

REMARKS

Substance of the Interview

On May 27, 2008, Applicant's representative, Michael A. Sartori, Ph.D., contacted Supervisory Patent Examiner Tom Dixon by telephone to discuss the merits of the Restriction Requirement imposed by the Office Action mailed May 6, 2008. During the interview, Dr. Sartori explained to Mr. Dixon that the present Restriction Requirement is improper, for the same reasons that are set forth hereinbelow. Mr. Dixon agreed with Dr. Sartori that the present Restriction Requirement is improper, and indicated that he would withdraw it.

Restriction/Election

The Office Action restricted the present application to the following groups under 35 U.S.C. § 121:

Group I: Claims 2-21, 23, 32, and 39-42, drawn to a computer implemented method for selecting at least one financial strategy from a plurality of financial strategies, classified in class 705, subclass 37.

Group II: Claims 25, 30, and 34, drawn to a computer readable medium having computer executable instructions for determining at least one financial strategy for assets to meet financial goals, classified in class 705, subclass 36R.

Group III: Claims 26, 29, and 33, drawn to a computer system for selecting at least one financial strategy from a plurality of financial strategies, classified in class 705, subclass 35.

The Applicant respectfully traverses the Restriction Requirement for at least the following two reasons.

First, the inventions of Groups I, II, and III are not distinct. Independent claim 2 is representative of Group I, independent claim 25 is representative of Group II, and independent claim 26 is representative of Group III. Although claims 2, 25, and 26 belong to different classes (claim 2 recites a method, claim 25 recites a computer readable medium, and claim 26 recites a computer system), the elements of these claims are substantially duplicative of one another except for the recitation of the different classes. More specifically, the elements set forth in the bodies of claims 2, 25, and 26 are identical except for the fact that claim 25 recites “instructions for” performing the method steps of claim 2, and claim 26 recites “means for” performing the method steps of claim 2.

For example, the first element in claim 2 recites “receiving investor financial preferences regarding a plurality of attributes for at least one financial goal,” while the first element in claim 25 recites “*instructions for* receiving investor financial preferences regarding a plurality of attributes for at least one financial goal,” and the first element in claim 26 recites “*means for* receiving investor financial preferences regarding a plurality of attributes for at least one financial goal.” This correlation between the elements in the bodies of claims 2, 25, and 26 is present throughout the entirety of the three claims. Accordingly, the Applicant respectfully submits that the inventions of Groups I, II, and III are not distinct.

Second, the Applicant respectfully submits that there would not be a serious search and examination burden if the restriction were not required. The present application has been pending since September 9, 1999, and there have already been six Office Actions issued by the U.S. Patent and Trademark Office. Accordingly, the subject matter of Groups I, II, and III has already been searched and examined multiple times. Accordingly, the Applicant respectfully

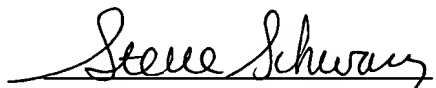
submits that continued examination of Groups I, II, III together would not present a serious search and examination burden.

For at least the foregoing two reasons, the Applicant respectfully submits that the Restriction Requirement between Groups I, II, and III is improper, and respectfully requests that it be withdrawn.

An action on the merits is requested.

Respectfully submitted,

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